

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation into TALK AMERICA, INC.,  
formerly Talk.com Holding Corporation,  
formerly Tel-Save, Inc. (U-5289-C and U-5335-C)  
to determine whether it has violated the laws,  
rules, and regulations governing the manner in  
which California subscribers are switched from  
one presubscribed carrier to another.

Investigation 01-08-003  
(Filed August 2, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON TALK AMERICA'S MOTION TO COMPEL**

Talk America, Inc. filed a motion to compel production of documents dated December 24, 2001. Talk America seeks production of the 780 complaints and supporting documentation (defined in the oral argument as either the written consumer letter or the Consumer Affairs Branch's (CAB) hard copy summary sent to Talk America of an oral complaint) identified in the testimony of Consumer Services Division (CSD) witness Phan. CSD filed a response, stating that Talk America had received all underlying documents in CSD's possession, and CSD would provide other documentation as it received it from CAB. Furthermore, CSD now states that Talk America was provided with copies of the written consumer letter or hard copy summary of an oral complaint at the time the complaint was made. Talk America counters that it needs to know what documents witness Phan is relying on in her testimony.

After telephonic oral argument held on January 9, 2002, pursuant to Resolution ALJ-164, I made an oral ruling which is summarized below.

**IT IS RULED** that the Consumer Services Division (CSD) shall make every effort to obtain from the Consumer Affairs Branch (CAB) the underlying consumer documentation for all of the 780 complaints identified in Ms. Phan's proposed testimony. The underlying consumer documentation is defined as either the written consumer letter or the CAB hard copy summary sent to Talk America of an oral complaint. CSD shall provide Talk America with such information no later than the close of business on January 18, 2002. In making its case as to the content of the 780 complaints CAB has received against Talk America, CSD can rely on the letters or summaries it has received from CAB and has provided to Talk America as of January 18, 2002, but cannot rely on letters or summaries that it obtains from CAB after January 18, if CAB had them in its possession before that date. This ruling does not require CAB to relinquish any private notes or other analysis but only applies to the written complaint letter or CAB hard copy written summary of the oral complaint. Furthermore, the ruling only applies to the 780 complaints referenced in Talk America's motion to compel, and only to documents CAB has in its possession as of January 18, 2002.

Dated January 9, 2002, at San Francisco, California.

/s/ JANET A. ECONOME

Janet A. Econome  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Talk America's Motion to Compel on all parties of record in this proceeding or their attorneys of record.

Dated January 9, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.